

## **NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Govalle/Johnston Terrace Combined Neighborhood Plan (GJTCNP)

**CASE#:** NPA-2007-0016.02

**PC PUBLIC HEARING DATE:** November 27, 2007

**ADDRESS & AREA:** A portion of (0.775 AC) of 1.97 AC of OLT 44 Division A (known locally as 1100 Linden St.)

**APPLICANT:** Govalle/Johnston Terrace Neighborhood Planning Team

**OWNER:** Govalle Partners, Ltd.

**AGENT:** Michael Casias

**TYPE OF AMENDMENT:** Future Land Use Map Designation  
A portion of (0.775 AC) of 1.97 AC of OLT 44 Division A from SINGLE FAMILY to MULTIFAMILY

**PLAN ADOPTION DATE:** March 27, 2003 **NPCD ADOPTION DATE:** March 27, 2003

**STAFF RECOMMENDATION:** The staff recommendation is to **deny** the requested change on the Future Land Use Map (FLUM) to Multifamily.

**PLANNING COMMISSION RECOMMENDATION:** A recommendation is pending on this case because Planning Commission is reviewing it on November 27, 2007. This case had been postponed by Planning Commission on November 13, 2007, but notification was sent out that this case would be reviewed by Council on November 29, 2007.

**BASIS FOR RECOMMENDATION:** The requested amendment is not consistent with the Land Use recommendations in the Govalle/Johnston Terrace Combined Neighborhood Plan. See *Analysis* for more details.

**BACKGROUND:** The Govalle/Johnston Terrace Combined Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on March 27, 2003. The boundaries of the planning area are: Oak Springs Road on the north, Airport Boulevard on the east, the Colorado River on the south, and Pleasant Valley Road, 7<sup>th</sup> Street, Northwestern Avenue and Webberville Road on the west. The subject property is adjacent to single family land uses to the north and west (Single Family), proposed single family uses to the south (Single Family), and a nursing home (Multifamily) to the east.

The owners of Tract 1, the subject property, desire to subdivided this vacant 2.11 acre property into nine urban single family lots (Zone SF-4A), and use the remaining portion of the property that fronts Govalle Avenue (0.775 acres) to construct a two story 20 to 30 unit multifamily

apartment complex (Zone MF-3). (Please note, an adjoining parcel fronting on Neal Street, Tract 2, and to the east and south of the nursing home is also being developed in a similar fashion by the developer but does not need a Plan Amendment.)

During the neighborhood meeting for this plan amendment, Mr. Casias the agent with Govalle Partners, Ltd., discussed how his company would not be developing the property themselves but instead wanted to sell the urban single family lots once subdivided, and then find a developer to buy the multifamily property and also construct a two story apartment building. The proposed land use change for the Multifamily portion of the subject property will be the topic of this report.

**ANALYSIS:** The Future Land Use Map of the Govalle/Johnston Terrace Combined Neighborhood Plan (GJTCNP) recommends ‘**Single Family**’ and not ‘**Multifamily**’ for this portion of Govalle Avenue. Because the Govalle/Johnston Terrace Combined Neighborhood Plan was approved in 2003, before the Future Land Use Category of High Density Single family was added, the Single Family future land use designation in this case refers to: (1) single family detached houses, (2) small lot single family houses; (3) two-family residential uses; and (4) single family housing generally up to 15 units per acre, which includes townhouses and condominiums, as well as traditional small-lot single family houses.

Other portions of the GJTCNP that appears not to support a change to a Multifamily land use designation for this area of Govalle Avenue include:

On page 35 of the GJTCNP, under the Land Use Chapter, Goal 2, (which also lists key principals) it states:

*Preserve and protect current and future single-family neighborhoods.*

*Key Principles under Goal 2:*

- *Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)*
- *Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)*
- *Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)*

On page 41 of the GJTCNP, under ‘Additional Explanatory Notes Concerning the Future Land, it states:

***Multifamily land uses are recommended mostly in two different kinds of locations in this planning area. Firstly multi-family is recommended on tracts located closer to the periphery of the neighborhood such as on Pleasant Valley and Oak Springs roads. Another significant use of multi-family recommended on this FLUM are on larger tracts that are adjacent to single family uses, but are currently used for more intensive land uses such as industrial or commercial. This plan recommends multi-family uses on these tracts to promote compatibility, as well as greater housing opportunities.***

*The encouragement of multi-family development in select locations is reflective of the plan's key planning principles to:*

- *Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods*
- *Provide a diverse range of housing opportunities for all stages of life and income levels, and*
- *Encourage the development of affordable single-family and multi-family units on vacant tracts in established neighborhoods.*

Staff's interpretation of the GJTCNP goals and recommendations above is that the Plan does not support Multifamily land uses along this portion of Govalle Avenue because it is: (1) not located along the periphery of the planning area; (2) the proposed multifamily property is adjacent to an established single family neighborhood; and (3) the proposed multifamily development is not utilizing land used for industrial or commercial land uses. In conclusion, staff believes that this plan amendment would be in contradiction of the goals and recommendations of the GJTCNP. However, staff does believe that it would be appropriate to construct high intensity residential land uses, such as townhouses (no greater than 15 units per acre) on the subject property that would more compatible with the adjacent single family neighborhood.

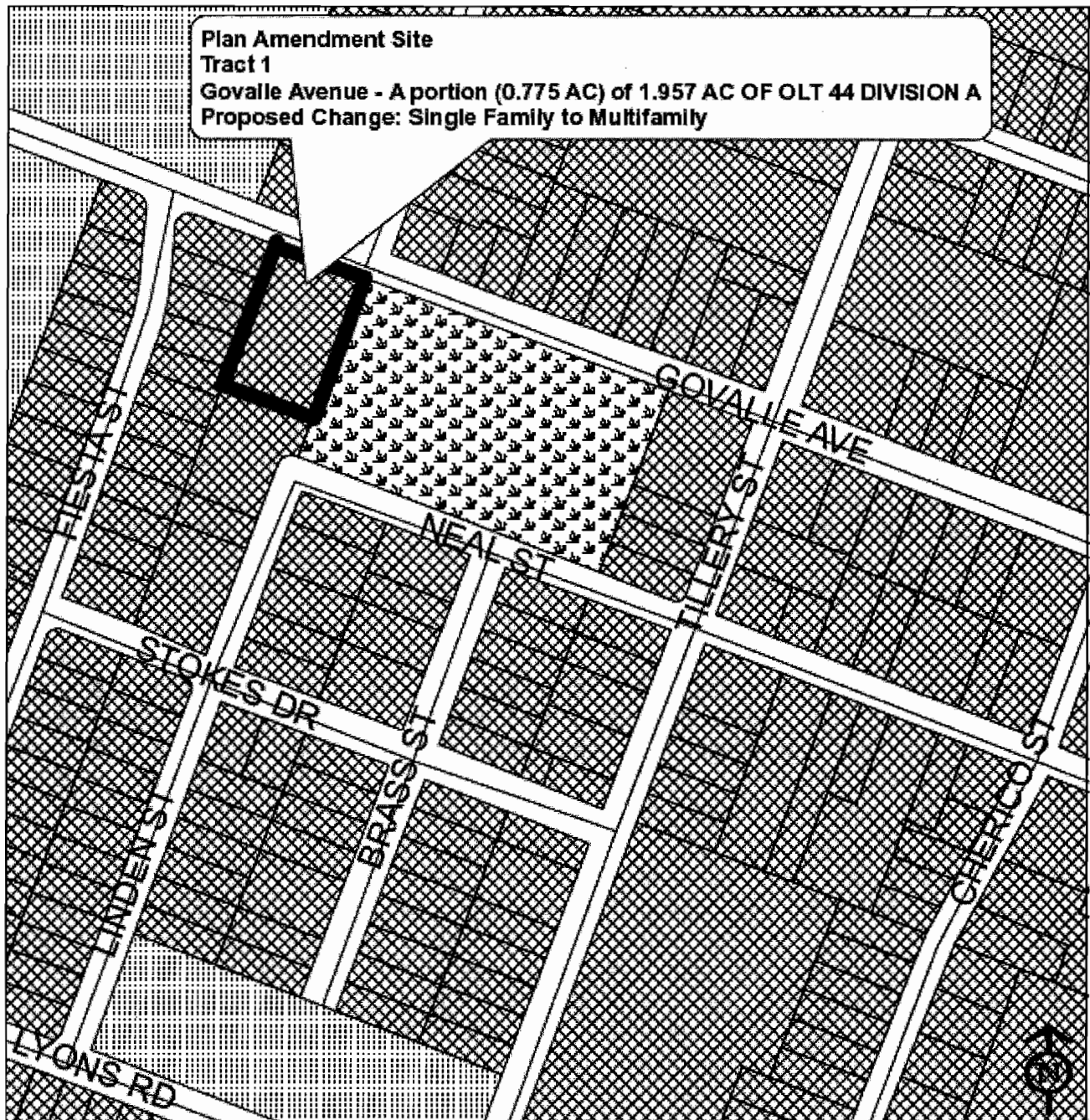
**ADDITIONAL INFORMATION:** A neighborhood meeting on this case was held on October 16, 2007. Invitations were sent to the Govalle/Johnston Terrace Neighborhood Planning Team (the contact team) and property owners located within 300 feet of the proposed plan amendment. (Notes from this meeting are attached to this report.) The Govalle/Johnston Terrace Neighborhood Planning Team, acting as the applicant for this neighborhood plan amendment officially supports the proposed plan amendment and zoning change based on a written and signed agreement between them and Govalle Partners, Ltd., which states:

1. Install a 10 ft. landscape buffer from the property line shared by multi-family and single family tracts.
2. Install an emergency exit only from MF3 Tract 2 to Neal Street. The primary multifamily exit and entrance would be on Govalle Avenue.
3. 10% multifamily units would be rented or sold to families at or below 50% MFI or a non-profit/low income housing provider, with a restrictive covenant binding future owners for 15 years.
4. 10% multifamily units rented or sold to families at or below 60% MFI or a non-profit/low income housing provider, with a restrictive covenant binding future owners for 15 years.
5. Reduce per §25-2-562 MF3 site area requirements by 30%.
6. No greater than 30% of the multifamily units will be efficiency units.
7. 20% of SF will be sold to families at or below 80% MFI per City's SMART Housing requirements or to qualified CHDO (Community Housing Development Organization.)

Additionally, during the neighborhood meeting, Mr. Casias agreed to install a 5 ft. tall fence against the multifamily property where it abuts single family properties based on concerns expressed from adjoining property owners.

CASE MANAGER: Kathleen Fox (Plan Amendment)      PHONE: 974-7877

EMAIL: [kathleen.fox@ci.austin.tx.us](mailto:kathleen.fox@ci.austin.tx.us)



## Govalle/Johnston Terrace Neighborhood Plan Amendment NPA-2007.0016-02




This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



Created on 10/01/2007

0 260 520 Feet

### Future Land Use

-  Single-Family
-  Civic
-  Multi-Family

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

**Plan Amendment Site**

**Tract 1**

**Govalle Avenue - A portion (0.775 AC) of 1.957 AC OF OLT 44 DIVISION A**

**Proposed Change: Single Family to Multifamily**



**Govalle/Johnston Terrace  
Neighborhood Plan Amendment  
NPA-2007.0016-02**




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Created on 10/01/2007

0 275 550 Feet

**Future Land Use FLU**

-  Single-Family
-  Multifamily
-  Civic

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



**Govalle/Johnston Terrace Combined Neighborhood Plan  
Proposed FLUM Amendment from Single Family to Multifamily  
Tuesday, October 16, 2007  
Parque Zaragoza Recreation Center  
6:30 P.M. to 7:50 P.M.**

The meeting began at approximately 6:35 P.M. Nine people were present at this meeting, including Kathleen Fox, Senior Planner with the City of Austin's Neighborhood Planning and Zoning Department, and the owner/agent, Michael Casias, with Govalle Partner's, Ltd.

Kathleen Fox welcomed the attendees and stated that this neighborhood meeting was being conducted to discuss the proposed plan amendment to a portion of the Govalle/Johnston Terrace future land use map, from single family to multifamily. Large maps of the subject property, including an aerial, a future land use map, and a current land use map of the subject area were displayed. An agenda and small thumbnail maps of the subject area were also distributed. Ms. Fox then introduced Michael Casias, the owner and agent for this plan amendment.

Mr. Casias explained that his company owned Tracts 1 and 2, fronting on Neal Street and Govalle Avenue and wanted to reconfigure Tract 1 (2.11 acres in size) into smaller lots and one large piece for a multifamily apartment building, and then sell the lots to other developers. Specifically for Tract 1, Mr. Casias discussed how he wanted to carve out 9 single family lots that would front on Linden Street and rezone them to SF-4A. These single family lots would range in size from 3,600 sq. ft. to approximately 9,548 sq. ft. On the remaining portion of Tract 1 (0.775 acres), Mr. Casias discussed how he wanted to find a developer to construct a 2 story multifamily building fronting on Govalle Avenue that would contain between 20 to 30 units. He stated that he also wanted variance a variance to the MF-3 zoning requirements. Mr. Casias emphasized that his company was seeking a zone change so they could reconfigure the property and sell the lots to other developers, and not develop the property themselves. He discussed how he had met with the Govalle/Johnston Terrace Neighborhood Planning Team (the official contact team) and his company agreed to:

1. Install a 10 ft. landscape buffer from the property line shared by multi-family and single family tracts.
2. Install an emergency exit only from MF3 Tract 2 to Neal Street. The primary multifamily exit and entrance would be on Govalle Avenue.
3. 10% multifamily units would be rented or sold to families at or below 50% MFI or a non-profit/low income housing provider, with a restrictive covenant binding future owners for 15 years.
4. 10% multifamily units rented or sold to families at or below 60% MFI or a non-profit/low income housing provider, with a restrictive covenant binding future owners for 15 years.
5. Reduce per §25-2-562 MF3 site area requirements by 30%.
6. No greater than 30% of the multifamily units will be efficiency units.
7. 20% of SF will be sold to families at or below 80% MFI per City's SMART Housing requirements or to qualified CHDO (Community Housing Development Organization.)



November 16, 2007

He added that Tract 1 and 2 would have a 15 year deed restriction to meet the conditions specified above.

#### Questions and Discussion Items:

An audience member asked how large the lots on Fiesta Street were. Ms. Fox stated that most of the lots were at least 6,000 sq. ft. in size. Some audience members were concerned that the lots on Tract 1 would be smaller than their lots. Mr. Casias stated that the SF-4 lots would range in size from 3,600 sq. ft. to 9,548 sq. ft.

An audience member expressed concern about increased traffic going onto Govalle Avenue from this project. Mr. Casias stated that his firm produced high quality developments. He stated that the SF4-A lots would sell from \$45,000 to \$80,000 each, and that the houses would cost approximately \$100 a sq. foot. (Ex: if a house was 1,500 sq. ft. in size, it would cost approximately \$150,000, adding the price of the lot, each property would be worth between \$195,000 to \$240,000.)

An audience member expressed concern that the multifamily apartment complex, when built, would accept Section 8 tenants. She discussed how she had lived in a Section 8 apartment complex in the area that had a number of violent crimes committed while she was living there. She stated that she did not want the people in the apartment complex to have access free access onto the adjoining single family residences on Fiesta Street, Neal Street (where she lived), or on Stokes Drive. Mr. Casias discussed how he had already come to an agreement with the Govalle/Johnston Terrace Planning Team to install landscaping around the multifamily apartment complex but would be willing to also install a 5 ft. fence around the MF-3 zoned property where it abuts single family zoned properties. He added that no decks would be located in the rear of the property so they overlooked Fiesta Street.

Mr. Casias discussed how he also worked with a non-profit that advocated affordable housing and was not interested in developing or building large apartment complexes. He stated that he was looking to build a co-housing model for the apartments, and make the houses and lots smaller so they were more affordable. He discussed in length how there needed to be more opportunities for affordable housing in Austin and areas in the City that could absorb more growth.

An audience member stated they wished there was a community park on the property.

Mr. Casias also discussed his plans for Tract 2, which abutted Tract 1, which was also being rezoned but did not need a neighborhood plan amendment. He discussed how he wanted to carve out 10 single family lots; and on the remaining portion of Tract 2 (33,000 sq. ft.) construct 18 multifamily apartment units. The audience stated that they wanted to see more single family housing on Tract 2 rather than multifamily housing. Another audience member suggested making the single family lots bigger on Tract 1 so they were closer in size to the lots within the adjoining single family neighborhood. Mr. Casias stated that he was willing to add a 5 ft. tall fence around the multifamily property on Tract 2 too. He also discussed how the goal of his company goal was to increase affordable housing opportunities by carving out smaller, and cheaper single family lots. He also stated that there would be less profit for his company if they had fewer lots to sell.

GOVALLE STREET DEVELOPMENT  
Request for Neighborhood Support  
Term Sheet

**DEVELOPMENT PROPOSAL**

Esperanza Development proposes to subdivide two (2) large multifamily and single-family tracts into nineteen (19) single-family and two (2) multifamily MF-3 tracts

TRACT 1: 2.11 acres out of the Outlot 44, Division A, Travis County, Texas.

TRACT 2: 1.41 acres out of the Outlot 43, Division A, Travis County, Texas.

**Zoning Changes, per exhibit A, attached**

1. Downzone the Neal frontage of Tract 2 from MF3 to SF-4A.
2. Rezone the Govalle frontage of Tract 1 from SF3 to MF3
3. Rezone the Linden frontage of Tract 1 from SF3 to SF-4A

**Neighborhood Plan Amendment**

After review and approval, the Govalle/Johnston Terrace Neighborhood Planning Team

supports the Esperanza Development, conditional on the zoning changes and other stipulations stated herein,

And requests submission of this Neighborhood Plan Amendment on behalf of Esperanza Development and Govalle Partners Ltd.

**OTHER STIPULATIONS:**

1. 10' Landscape buffer from property line shared by multi-family and single-family tracts.
2. Emergency exit only from MF3 Tract 2 to Neal Street. All other multifamily exit and entrance on Govalle Street.
3. 10% multi-family units rented or sold to families at or below 50% MFI or a non-profit/low income housing provider. Restrictive Covenant binding future owners for 15 years.
4. 10% multi-family units rented or sold to families at or below 60% MFI or a non-profit/low income housing provider. Restrictive Covenant binding future owners for 15 years.
5. Reduce per \$25-2-562 MF3 site area requirements by 30%.
6. No greater than 30% of the multi-family units will be efficiency units.
7. 20% of SF will be sold to families at or below 80% MFI per City's SMART Housing requirements or to a qualified CHDO (Community Housing Development Organization).

AGREED TO AND ACCEPTED BY:

Michael N. Casias

  
Esperanza Development Corporation

Date: 8/3/07

Daniel Llanes

  
Coordinator, Review Committee for  
Govalle/Johnston Neighborhood Planning Team

Date: 8/3/07



August 8, 2007

RE: Govalle/Johnston Terrace Neighborhood Plan Amendment

To Whom It May Concern:

The Govalle/Johnston Terrace Neighborhood Planning Team agreed with Govalle Partners Ltd. that a more compatible development of raw land can be achieved with zoning changes which would affect the Neighborhood Plan Amendment. The basic premise is that the multifamily should front Govalle, a wider street with direct access to multiple bus routes and walking distance from ACC. The single-family all should be facing the narrow streets of Neal and Linden where modest single family homes are across the street. The current zoning and neighborhood plan have multi-family zoning along Neal Street which would overpower the small neighborhood street. The SF zoning on Govalle is on a huge tract that would either only allow a single house on an extremely large lot or require a new street cut into the single family tract to service multiple SF lots, a more expensive proposition than what both the neighborhood and developer are planning.

Regards,

A handwritten signature in black ink, appearing to read 'Michael N. Casias', with a long horizontal line extending to the right.

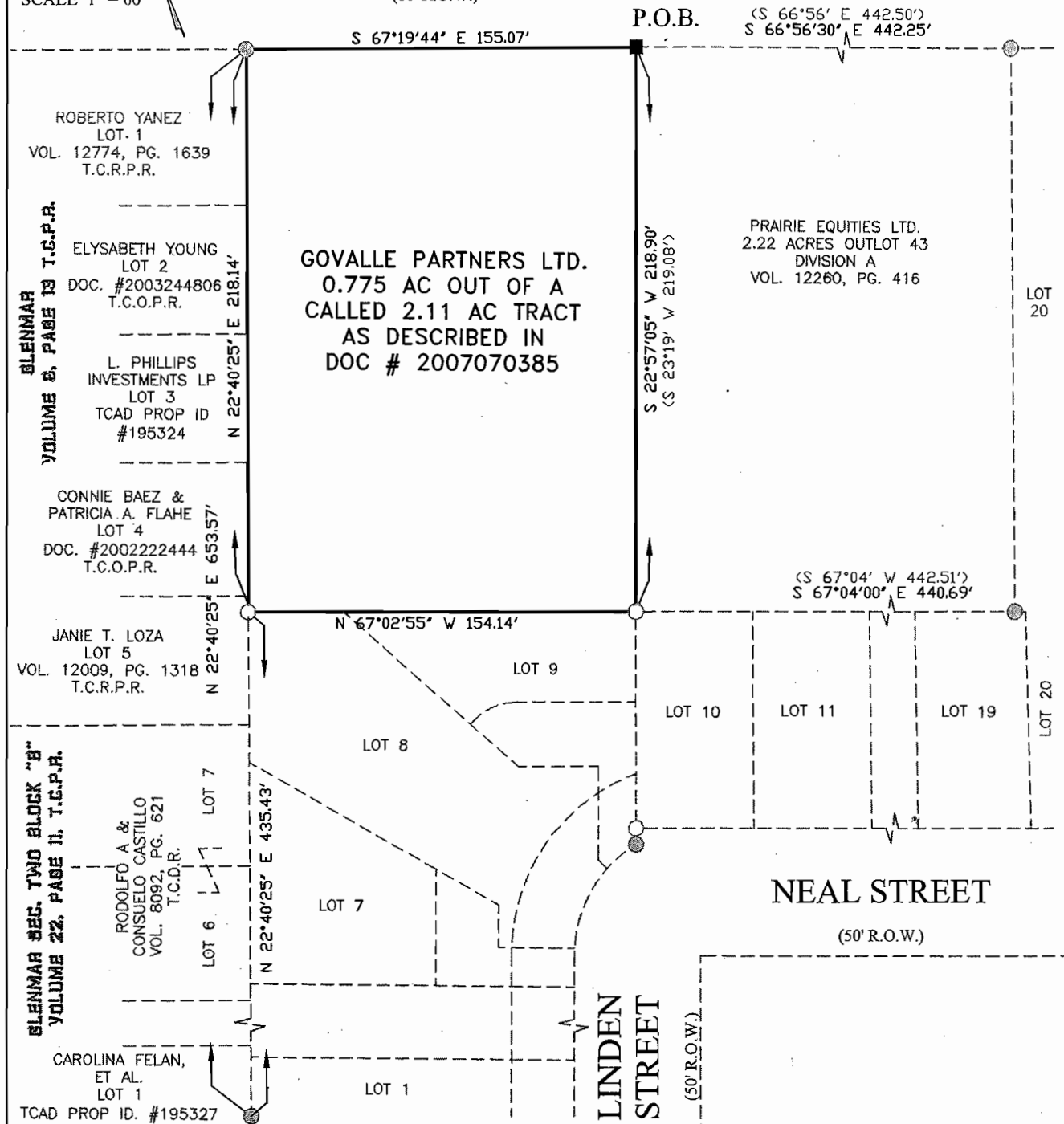
Michael N. Casias

# SKETCH TO ACCOMPANY FIELD NOTES

## GOVALLE AVENUE

SCALE 1" = 60'

(60' R.O.W.)



### LEGEND

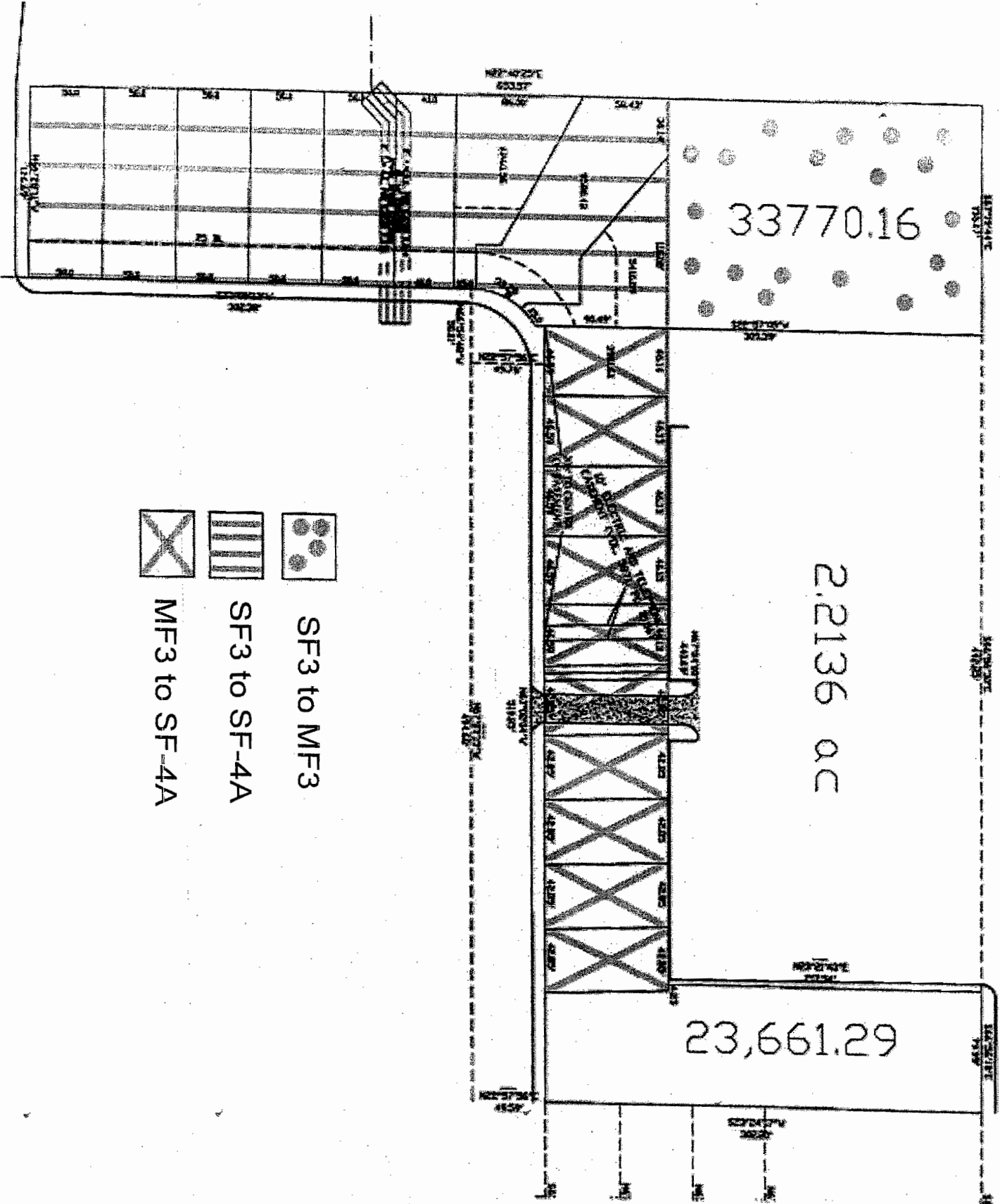
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- IRON ROD SET
- CONCRETE MONUMENT FOUND

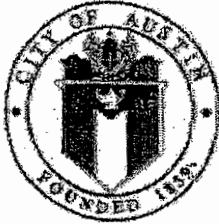
### REFERENCE INFORMATION

**ALLSTAR**  
Land Surveying

9020 ANDERSON MILL ROAD  
AUSTIN, TEXAS 78759  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
WWW.ALLSTARLANDSURVEYING.COM

0.775 ACRES OUT OF A  
CALLED 2.11 AC TRACT  
DESCRIBED IN DOC #  
2007070385





## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
(512) 974-3180, Fax: (512) 974-3112, [regina.copic@ci.austin.tx.us](mailto:regina.copic@ci.austin.tx.us)

7/30/2007

S.M.A.R.T. Housing Certification  
The Govalle Land - Esperanza Development Corporation

#### TO WHOM IT MAY CONCERN:

Esperanza Development Corporation and Govalle Partners, Ltd. (development contacts: Michael Casias, 512-480-9844 (o); 512-480-8144 (f); [mcasias@esperanzadev.com](mailto:mcasias@esperanzadev.com); and Dolly Shiu, 512-480-9844 (o), 512-480-8144 (f); [dshiu@esperanzadevelopment.com](mailto:dshiu@esperanzadevelopment.com)) are planning to develop a **50 unit multi-family and 18 unit single family development** (total of **68** residential units). The addresses are located on two tracts on Govalle, Neal, and Linden Streets. The applicant will seek a neighborhood plan amendment and zoning change. The reasonably priced units will be developed by other parties, and the applicant is in the process of establishing a restrictive covenant with the Govalle Neighborhood Planning Team.

NHCD certifies that the proposed construction meets S.M.A.R.T. Housing standards at the pre-submittal stage. Since **10%** of the units will serve families at **50%** Median Family Income (MFI) or below, and **10%** of the units will serve families at **60%** MFI or below the construction will be eligible for **50%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council.

The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Electrical Permit	Board of Adjustment Fee
Building Permit	Mechanical Permit	Zoning Fee
Concrete Permit	Plumbing Permit	Land Status Determination
Site Plan Review	Subdivision Plan Review	Building Plan Review
Construction Inspection	Zoning Verification	

#### Prior to issuance of building permits and starting construction, the developer must:

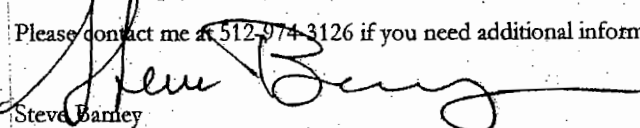
- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Multi-family: Katie Jensen 482-5407; Single-family: Dick Peterson 482-5372).
- ♦ Submit plans demonstrating compliance with accessibility and transit-oriented standards.

#### Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass a final inspection to certify that accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 512-974-3126 if you need additional information.

  
Steve Banney  
Neighborhood Housing and Community Development

Cc: Gina Copic, NHCD  
John Umphress, Austin Energy  
Robby McArthur, WWV Taps  
Maureen Meredith, NPZD  
Danny McNabb, WPDR  
Dick Peterson, Austin Energy  
Manecsh Chaku, NHCD  
Guy Brown, WPDR  
Lisa Nickle, WPDR  
Yolanda Parada, WPDR